

ALAN D. LEVINE
ATTORNEY AT LAW
80-02 KEW GARDENS ROAD
KEW GARDENS, NEW YORK 11415

(718) 780-8383
FAX: (718) 520-8751
E-MAIL: alandlaw@justice.com

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U.S. DISTRICT COURT E.D.N.Y.

★ MAR 16 2012 ★

BROOKLYN OFFICE

March 2, 2012

VIA ECF

Honorable Cheryl L. Pollak
United States Magistrate Judge
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Benitez v. P.O. Scocca, et al.
11 CV 0420 (JBW) (CLP)

Dear Judge Pollack:

I am the attorney for the plaintiff in the above-referenced action. I am writing to inform the court that all efforts I have made, which have been considerable, to locate my client have been unavailing. As I have previously informed the court, he has been deported to Mexico and Immigration and Customs Enforcement does not keep any records with regard to addresses in their native country of deportees to Mexico. Efforts to locate Mr. Benitez's siblings, who were believed to be residing somewhere in Queens County, have been similarly unavailing. Consequently, I am informing the court that I have not been able to accept the settlement offer that was made in the action and will not be able to proceed with the case any further. Therefore, the court may take whatever action it deems proper and required in such circumstances.

Very truly yours,

Alan D. Levine

ALAN D. LEVINE

ADL/sr

cc: Phillip S. Frank, Esq.

*Case dismissed
for failure to prosecute,
but not on the merits.
So ordered
3/12/12*

sl